

UNTAES: a Case Study *

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If an account of United Nations peacekeeping operations in Croatia were to be written, the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES) would be its denouement. UNTAES, the third successive peacekeeping mission on Croatian territory, was the one in which the lessons progressively learned by both the United Nations and Croatia brought an appropriate closure to the story. A specific, and perhaps unique, mix of elements contributed to the ultimate success of UNTAES.¹ The key elements were; an achievable mandate, international support for the fulfilment of the mandate, domestic leadership and forbearance, adept and pragmatic leadership of the mission and the existence of a balance of power in the region conducive to the mandate's implementation.

United Nations Peacekeeping Operations in Croatia Prior to UNTAES

The trials and errors of the peacekeeping operation in Croatia that came prior to UNTAES, namely the United Nations Protection Force (UNPROFOR) and the United Nations Confidence Restoration Operation in Croatia (UNCRO), provided case studies for what had been lacking and, by corollary, what was required in order to succeed.² Both of these earlier missions suffered the ignominious end of being legislated out of existence.³ During the course of the UNPROFOR and UNCRO mandates the

small number of non Serbs who remained in the occupied areas of Croatia that came to be under the protection of United Nations forces continued to suffer. Estimates vary, however, there are indications that about 600 persons were killed and several thousand were displaced by the occupying forces during this period.⁴ Therefore, it is clear that the United Nations troops, who were met in Croatia with extremely high and probably unrealistic expectations, were unable to achieve the tasks that they were assigned. This, should not, of course, be regarded as a criticism of the troops themselves. It is important to understand that the forces were equally frustrated with the lack of progress in their mission.

The serious difficulty with UNPROFOR, and afterwards UNCRO, was that their political basis was ambiguous. Both missions had it built into their man-

The UN peacekeeping missions preceding the UNTAES were unsuccessful: their political basis was ambiguous and many of the key elements of their mandates were never implemented. Authors point out that defining UNCRO's principal aim as "achievement of a political solution" was inappropriate for a UN peacekeeping operation. In contrast to its predecessors, UNTAES was designed within a different political setting taking into account the change in the military balance and political circumstances that followed the Dayton Agreement. Its success was founded on achievable mandate, international support for the fulfilment of the mandate, domestic leadership, adept and pragmatic leadership of the mission and the existence of regional balance of powers. The authors conclude by classifying UNTAES as a successful peacekeeping operation that fulfilled its mandate and aims and was followed by the UN Civilian Police Support Group and OSCE.

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dates that they were an "interim arrangement" to create the conditions for a settlement. The UNPROFOR mandate, being the first in time, was the most ambiguous stating that "...the Force should be an interim arrangement to create the conditions of peace and security required for the negotiation of an overall settlement of the Yugoslav crisis."⁵ The UNCRO mandate represented slightly more favorable wording for Croatia stating that it was an "...interim arrangement that will facilitate a negotiated settlement consistent with the territorial integrity of the Republic of Croatia."⁶ Upon the insistence of Croatia, the mandate of UNCRO was bolstered in comparison to UNPROFOR the authority to control Croatia's international borders within the occupied areas and to facilitate economic cooperation being added.⁷ Nevertheless, the intransigence of the rebel lead-

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ership ensured that no resolution could be attained. The ambiguous nature of the UNTAES and latter the UNCRO mandate had its source in the Vance Plan⁸, which was the United Nations plan for dealing with the occupied areas in Croatia, prepared by Cyrus Vance. The key elements of the Vance Plan were the relocation of the Yugoslav People's Army, the demilitarisation of the United Nations Protected Areas, the return of refugees and displaced persons and the continuation of the functioning of the local administration and police forces pending a political solution.

Aside from the nominal withdrawal of Yugoslav People's Army troops, none of the other elements were implemented. As has been indicated, the process of displacing and, in many instances, murdering non Serbs within the occupied territories continued unabated. By mid 1994, according to Government estimates, only 194,000 of the pre-war population of about 550,000 (of which 287,830 had been Serbs and 261,253 non-Serbs) remained in the occupied areas. Of this figure of 194,000, only 10,000 were non-Serbs.⁹ In these circumstances, the predictable failure to arrive at a political solution proved to be the major hindrance to the implementation of any aspect of the mandate.

The unattainable "political solution", which was enshrined in the Vance Plan as a core "General Principle"¹⁰ proved itself to be an altogether inappropriate element for a United Nations peacekeeping operation. Its effect upon the mandate was the interpretation that UNPROFOR was to be implemented pending a "political solution". This uncertainty had a deeply negative impact upon the mission, casting a shadow over the political future of the area and leaving the peacekeepers with the thankless task of working within the vacuum of what the variously interpreted "political solution" should be. Aside from the effect of this situation upon those on the ground, various divisions among Security Council members were also manifested in consequence of this ambiguity, hence influencing the international aspect of the peacekeeping operation. It is not misplaced to suggest that in spite of their recognition of the Republic of Croatia, some international actors had fluid policies regarding the ultimate resolution of the conflict and Croatia's territorial integrity. Those who were not sympathetic towards Croatia's plight used the political uncertainty of the duration of the presence of UNPROFOR to encourage inaction. Finally, the fact that there was an inbuilt political ambiguity also heavily influenced the behavior of the sides on the ground, both the Government and the rebel leadership.

UNTAES as a Success Story

The arrival of UNTAES came within a different political setting to that of predecessor missions.

After successful Croatian military operations in May and August 1995, Eastern Slavonia remained the only part of Croatia not yet under Government control. Parallel to this and heavily influenced by the Dayton peace talks, the Basic Agreement on Eastern Slavonia, Baranja and Western Sirmium between the Croatian Government and the rebel Serb authorities was concluded, envisaging the peaceful reintegration of the region.¹¹ Finally, it was clear to all the major international actors that the Danube region was a constitutive part of Croatia and that to maintain otherwise would lead to the renewal of hostilities. The rebel authorities in the region accepted this fact, not only because of the Agreement, but because the reality on the ground had changed since the time of UNPROFOR and UNCRO. The change in the balance of power, which had arisen as a consequence of the strengthening of Croatia's military capacity, made it quite clear that if Eastern Slavonia could not be reintegrated into Croatia by means of diplomacy and negotiations it would be retaken militarily.

UNTAES was created, therefore, in what was an environment favourable for its ultimate success. This environment was first demonstrated in the Basic Agreement and subsequently in the clearly defined mandate of the mission. The Basic Agreement sought the formation of a transitional authority which would oversee the peaceful reintegration of the region into the legal and constitutional system of Croatia. The Agreement was the key forerunner to the entire reintegration process that would subsequently develop through the United Nations.

At the time of the adoption of Security Council resolution 1037 (1995) the Croatian representative at the meeting cited the Secretary General's report of 13 December 1995¹² which set as the objective of UNTAES the achievement of "...a peaceful reintegration of the region into the Croatian constitutional system through the implementation of the basic agreement". He added that the Government understood that the resolution went beyond the passive protection of Croatia's territorial integrity within its internationally recognized borders to the active restoration, through the Transitional Authority, of the region to Croatian sovereignty.¹³ This was in stark contrast to the UNPROFOR and UNCRO mandates.

Significantly, **recourse to the military option was unhelpful to all the interested parties:** the Federal Republic of Yugoslavia (FRY), the Government of Croatia, and the rebel Serbs. Importantly, it was also evident from the points of view of the Contact Group and Security Council that they had grasped the window of opportunity created by the Croatian military successes and hence supported a solution involving a transition period as the most favorable for all parties. Crucially, therefore, there was a confluence

of the interests, if not the underlying motivations, of the parties.

For the **FRY**, choosing once more to militarily assist the rebel Serbs in the Danube region meant it would be faced with a large scale war in which the prospects for success were, at best, unclear. On the other hand not intervening in the case of a Croatian military action would have increased the possibility of the influx of a large number of refugees with the potential for destabilizing the Milošević regime.¹⁴ In these circumstances, a peaceful transition of control in Eastern Slavonia seemed a reasonable solution. The psychological situation in **Croatia**, as reflected by the **Government**, was that, after facing aggression, ethnic cleansing, much frustration and five years of waiting, it was time to re-assume control over the territory of the Danube region. However, it was also well understood that if military means were to be used, the losses would be substantial. It would not only result in a direct loss in terms of human lives and material losses. It would also be reflected in the loss of the possibility of cooperation with the Croatian Serbs and the Serbs from the FRY for the foreseeable future. In light of these factors Croatia opted for a long-term solution. This involved the negotiation with FRY of an agreement on normalization of relations and, in that way, improving the prospects for a more rapid advance towards the European integration processes, and the Partnership for Peace. Croatia was prepared, therefore, to wait a little longer in the interest of regional peace and stability, but also for the achievement of its national goals in a sustainable manner.

From the view point of the **rebel Serbs**, the realization that their hope of carving out a portion of Croatia and annexing it to FRY was forlorn left them in an inherently insecure situation in which the status quo from the pre-existing period of occupation was untenable. Eastern Slavonia could not exist alone, it required the re-establishment of the links severed with Croatia. In this context, the altered regional balance of power and the silence emanating from FRY were important elements. In these circumstances, it became quite clear that the territory of Eastern Slavonia would be reintegrated into Croatia. This inevitability gave rise to fear of reprisals. Bearing all of this in mind, and noting that the rebel Serbs in Eastern Slavonia lacked a genuine democratic leadership and any system of law and order, they ultimately welcomed the arrival of the UNTAES, for it filled a void in which anarchy was the predominant condition. In addition, the rebel Serbs felt that they had been betrayed by FRY. They were incited to rebel against Croatia, they were promised that they would become part of FRY and then, in the end, the political game ended differently and they were left isolated. In these circumstances, they relied heavily on UNTAES, particularly

as an intermediary in the reconciliation process between themselves and the Croatian Government and also in the reconciliation at a local level with people of Croatian origin or other non-Serbian origin who would return and resettle in the area.

The overall picture, therefore, was that the operation had genuine political support within the Security Council and Contact Group and among the groups who were actually engaged on the ground. However, whilst there was an evident confluence of interests in terms of the presence of the mission, there were different interests in respect of the process and modalities. The interest of the Government was to expedite the process. On the other hand, the interest of the rebel Serbs was to prolong it with a view to achieving some additional special status or avoiding full reintegration altogether. This provided the Transitional Administrators with a powerful tool for suasion which they came to be adept at employing. The Transitional Administrators were quite explicit when communicating with the Government, suggesting, for example, that to expedite reintegration it ought to take additional measures such as the allocation of more resources or better co-operation. In fact, what the Croatian Government accepted was that if it wanted speed it had fully to cooperate with UNTAES in regard to the equality of all Croatian citizens and it had to take steps towards reconciliation, in spite of the freshness of the scars of war. On the other hand, in dealing with local Serbs the ultimate threat was the suggestion them that if they did not cooperate, UNTAES would simply leave. This was a very powerful tool and one of the keys for ultimate success.

The process of reintegration was, of course, more than merely politically challenging. It represented major technical difficulties for the civilian aspects of the reintegration. These challenges arose from the period of occupation during which there had been a prolonged and deliberate process of severing all previous administrative and infrastructural links to Croatia. In practical terms this meant that the police, local government, financial and monetary systems, social security and health and education systems, the judicial system, utilities, communications and all manner of other systems had to be reintegrated. In this process, the Transitional Authority was single-minded and meticulous and the Government, in spite of the significant financial burden that this represented, was similarly diligent.

The civilian aspect of the reintegration was undertaken, as were the other elements, according to a strict timetable. In this regard, the Government's documents program was a key component in providing the local residents with the necessary documentation for participation in Croatian society, from documents evidencing Croatian citizenship and identifi-

cation cards to drivers' licenses. The documents program involved a large logistical commitment to service the needs of the Croatian citizens in the region. The Government met this challenge by setting up 23 offices for the receipt of applications and dispensation of documents in the region involving more than 120 civil servants who travelled daily from the regional centres of Osijek and Vinkovci in spite of numerous security problems. Although the work of the Government offices was primarily directed to the issuance of documents for the purposes of participation in the nation-wide local elections held in early 1997, work continued and by the time of the termination of the UNTAES mandate 198,159 excerpts from registrar books and books of citizenship had been issued, including 154,443 certificates of citizenship.¹⁵

Another important aspect of peaceful reintegration was demilitarization and the weapons buy-back scheme. This latter scheme has been recently discussed in a study prepared by the former Deputy Transitional Administrator of the region.¹⁶ In the innovative Firearms Buy-Back Program, which lasted approximately 10 months and was jointly conducted by the Government and UNTAES, 9,680 firearms were collected, as well as 45,246 explosive arms and 2,325,378 rounds of ammunition and ignition devices and 106.16 kg of explosives, for which 10,700,000 kuna were paid.¹⁷

UNTAES was concluded on 15 January 1998, the maximum period for its operation envisaged under the Basic Agreement, with the withdrawal of the final peacekeepers and the complete hand over of executive control over the region to the Government. In fact, during the last few months of the process the number of peacekeepers had been scaled down substantially from the 5,000 initially present. As the transition period proceeded an increasing number of security functions were performed by the Transitional Police Force (TPF) which was made up of 40% each of Croats and Serbs and 20% of other ethnic groups present in the region. Initially under the responsibility of UNTAES, the TPF later came under the management of the Ministry for the Interior one year prior to complete reintegration of the region.

Remaining Problems in Eastern Slavonia

The conclusion of the mandate left some matters which required the passage of time and resources for their ultimate resolution. Most important among them were reconciliation, return and economic recovery.

Reconciliation, is clearly a long-term process. In this regard, cooperation between UNTAES and the International Criminal Tribunal for the Former Yugo-

slavia was a very important element. A part of reconciliation involves the establishment of the truth about what occurred in the area, that is, of the establishment of the individual responsibility of those who committed war crimes. Whilst it is always the case in active hostilities that crimes are committed by all sides, nevertheless, a framework needs to be delineated as to what occurred, why it was wrong and has to be punished. In that respect, the arrest of Slavko Dokmanović, the former rebel Serb mayor of Vukovar, indicted for his involvement in war crimes, was extremely valuable not only from the point of view of the credibility of the international community, but also for reconciliation. Unfortunately, his suicide prior to the end of his trial prevented the passing of sentence and the positive impact that such an occurrence would have had.

It is indeed a problem that there has been a lack of cooperation by FRY on the indictments issued in respect of Mrkšić, Šljivančanin and Radić, all senior Yugoslav army officers, who were involved in the most horrendous war crimes in Vukovar. The trial of these individuals is very important for reconciliation in the area. It would clearly indicate that what was going on in Eastern Slavonia was, to quite an extent, brought into the area or imposed upon it, rather than having any deep roots there. In this context, the single arrest of Dokmanović, who was from the area, might be misleading when placed in the perspective of where the destruction of Vukovar was instigated from. Nevertheless, one can remain reasonably optimistic concerning reconciliation over the long term.

In early October 1997, in cooperation with the international community, the Government launched its Program for the Establishment of Trust, Accelerated Return, and Normalization of Living Conditions in the War Affected Regions of the Republic of Croatia. The program's implementation has led to the creation of Trust Establishment Committees from the national through to the local level. The appointment of a senior presidential adviser as chairperson of the national committee has added weight to the implementation of the program. Much will depend upon the role of the media. Just as it played a negative role by inciting ethnic rebellion and intolerance, it can also be used in the process of reconciliation.

The UNTAES mandate included the facilitation of **return** of refugees and displaced persons.¹⁸ In that respect UNTAES achieved relatively little. However, blame should not be laid at the feet of UNTAES but rather upon the particularly difficult psychological and economic situation which continues to face people from the area. As of May 1998, about 15,000 Croats have returned to the region of the approximately 80,000¹⁹ who were forced to leave. On the other

hand, 37,000²⁰ Croatian Serbs have returned to various parts of Croatia, either from Eastern Slavonia where they were living as displaced persons to other parts of Croatia where they previously lived or from FRY or third countries. Whilst not large, the numbers are significant. At the same time, the desire to return is checked by the lack of economic opportunity necessary to make such return sustainable.

In regard to the return process, the Government has proclaimed the unequivocal right of return of all its citizens through three documents, namely the Procedures for the Individual Return of Persons Who Have Left Croatia, Mandatory Instructions concerning the implementation of Procedures for Individual Return, as well as, the Program for Return and Accommodation of Displaced Persons, Refugees and Exiled Persons. Each of these documents, which institutionalize accepted international norms, were prepared in cooperation with the international community. The return process is continuing and is complex, requiring perseverance on the part of returnees who have already been displaced from their homes for many years.

Finally, there remains, the issue of **economic recovery**. It is a difficult matter which is more than anything else a question of the investment of resources. A rough estimate of the amount expended upon peacekeeping operations solely upon the territory of Croatia, is about \$US5 billion. If, in this connection, one considers that the greatest obstacle to reconstruction and

economic recovery is resources, then it becomes evident that a disproportionately smaller amount would be required to create an economic impetus and a more positive disposition towards the future in the region. The Conference on Reconstruction and Development held in Zagreb in December 1998 showed that while the international community had good will the required funding failed to materialise in the quantity required. The total pledges of \$US25 million represented 1% of the amount estimated as being necessary for reconstruction.

In conclusion, UNTAES can be assessed as very successful peacekeeping operation. The expiration of its mandate was followed, at the invitation of the Government, by the single term United Nations Civilian Police Support Group whose function was to continue the important confidence building function of monitoring the performance of the Croatian police, particularly in relation to the return of displaced persons and refugees.²¹ Following the conclusion of the mandate of the Police Support Group, monitoring was handed over to the Organisation for Security and Cooperation in Europe (OSCE)²² on October 16, 1998 with a substantially similar mandate, which is still continuing. However, although the importance of confidence building cannot be doubted, in the long run, success will be heavily reliant upon resources. Without the economic recovery of the area, formerly one of the most prosperous in Croatia, Croats will never return in significant numbers, while the Serbs will continue to leave. ■

Notes

1 In his report to the Security Council of 4 December 1997 the Secretary General observed that with the approaching conclusion of the transitional administration period envisaged in the Basic Agreement (A/50/757) of 15 November 1995 there was consensus that UNTAES had successfully achieved the basic objectives for which it was established.

2 For an analysis of the performance of UNPROFOR and UNTAES see "Croatian International Relations Review", Vol. 1. No. 1, 1995, *Dossier: UN on Croatia*, pp. 1-5.

3 The progressive termination of UNPROFOR activities in Croatia was put into operation by Security Council resolution 982 (1995). The UNCRO mission was terminated by Security Council resolution 1025 (1995).

4 Nikić, Gorazd (ed.), *Croatia Between Aggression and Peace*, AGM, 1994, Zagreb, p. 70.

5 Security Council resolution 743 (1992), o.p. 5.

6 Security Council resolution 981 (1995), o.p. 5.

7 *Ibid*, operative paragraph 3.

8 Ramchan, B.G. (ed.), *The International Conference on the Former Yugoslavia*, Official Papers, Vol 1, Kluwer Law International, The Hague, p. 447

9 *Ibid* 4.

10 *Ibid* 7.

11 The Basic Agreement A/57/757 was concluded between the Government and the rebel authorities in Eastern Slavonia on 12

November 1995.

12 S/1995/1028.

13 S/PV. 3619, Verbatim record of the 2619th meeting of the Security Council on 15 January 1996.

14 Holbrooke Richard, "To End a War", Random House, New York, 1998, p. 249.

15 Report on the Implementation of the Letter of Intent by the Government of the Republic of Croatia on Peaceful Reintegration of the Croatian Danube Region and the Establishment of the Legal and Constitutional Order in the Areas of the Counties of Osijek-Baranja and Vukovar-Srijem, September 22, 1997.

16 Boothby, Derek, "The UNTAES Experience: weapons buy-back in Slavonia, Baranja and Western Sirmium (Croatia)", Bonn International Centre for Conversion, October 1998.

17 *Ibid*, 16.

18 Security Council resolution 1037 (1996). o.p. 11(d).

19 Croatian Government Office for Displaced Persons and Refugees.

20 *Ibid*.

21 The UNPSG was authorised by Security Council resolution 1145 (1997) on December 19, 1997.

22 The UNPSG and the OSCE established a Joint Steering Committee to oversee the transition of monitoring from one organization to the other.